IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL NO 1393 of 1997
in
SPECIAL CIVIL APPLICATION NO 7803 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

L K VALA

Appearance:

1. LETTERS PATENT APPEAL No. 1393 of 1997
MR HASIT D.DAVE, A.G.P. for Appellant No.
NOTICE SERVED BY DS for Appellant No.
MR RD RAVAL for Respondent No. 1
MR HASIT D.DAVE, A.G.P. for Respondent No. 1
MS SEJAL K MANDAVIA for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

Date of decision: 21/12/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

Appellant - State of Gujarat has challenged, in this Appeal, interim order dated 21.10.1997, passed by N.N.Mathur, J. in Special Civil Application No.7803 of 1997, filed by the respondent No.1 - original petitioner while issuing Notice to the other side making it returnable on 10.11.1997.

2. This Appeal was admitted and on 29.10.1997 interim order dated 21.10.1997, passed by the learned Single Judge, was stayed by the Division Bench of this Court on Civil Application, filed in this Appeal. However, learned Counsel Shri Raval, appearing for the respondent No.1 - original petitioner, submitted that before the stay order passed by the Division Bench of this Court on Civil Application, filed in this Appeal, could be served the respondent No.1 demitted his office on reaching the age of super-annuation, therefore, this appeal, as such, has become infructuous.

3. We would not like to go into this as to whether this Appeal has become infructuous or not. However, this Appeal was filed against the interim order dated 21.10.1997 and pending since long, therefore, all the learned Counsel for the parties agreed that this Appeal be disposed of with suitable direction to the learned Single Judge to dispose of main Special Civil Application No.7803 of 1997.

4. Accordingly, this Appeal is disposed of by requesting the learned Single Judge, taking up such petition, to hear and decide Special Civil Application No.7803 of 1997, as early as possible. It goes without saying that whatever observations made by the learned Single Judge on 21.10.1997, on main Special Civil Application No.7803 of 1997, while granting interim relief in favour of the respondent No.1 - original petitioner, would not come in the way of the learned Single Judge deciding the main writ petition and the same will be decided strictly in accordance with law on the pleadings before him. With these observations, this Appeal is disposed of.

Main Sp. Civil Application No.7803 of 1997 be placed before the learned Single Judge taking up such matters, at first instance on 29.12.2004 in Ist Board as Ist case.

(B.J.Shethna, J.)

Date : December 21, 2004

(Sharad D.Dave, J.)